A BILL TO BE ENTITLED

AN ACT
relating to the designation of certain synthetic compounds to
Penalty Group 2 or 2-A of the Texas Controlled Substances Act.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Sections 481.002(5) and (6), Health and Safety
Code, are amended to read as follows:

(5) "Controlled substance" means a substance,
including a drug, an adulterant, and a dilutant, listed in
Schedules I through V or Penalty Group [Groups] 1, 1-A, [or] 2, 2-A,
3, or [through] 4. The term includes the aggregate weight of any
mixture, solution, or other substance containing a controlled
substance.

(6) "Controlled substance analogue" means:

(A) a substance with a chemical structure
substantially similar to the chemical structure of a controlled
substance in Schedule I or II or Penalty Group 1, 1-A, [or] 2, or
2-A; or

(B) a substance specifically designed to produce
an effect substantially similar to, or greater than, the effect of a
controlled substance in Schedule I or II or Penalty Group 1, 1-A,
[or] 2, or 2-A.

SECTION 2. Section 481.103(a), Health and Safety Code, is
amended to read as follows:

(a) Penalty Group 2 consists of:
any quantity of the following hallucinogenic substances, their salts, isomers, and salts of isomers, unless specifically excepted, if the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation:

alpha-ethyltryptamine;
alpha-methyltryptamine;
5-(2-aminopropyl)benzofuran (5-APB);
6-(2-aminopropyl)benzofuran (6-APB);
5-(2-aminopropyl)-2,3-dihydrobenzofuran (5-APDB);
6-(2-aminopropyl)-2,3-dihydrobenzofuran (6-APDB);
5-(2-aminopropyl)indole (Trade or other names: 5-IT, 5-API);
6-(2-aminopropyl)indole (Trade or other names: 6-IT, 6-API);
Benzothiophenylcyclohexylpiperidine (BTCP);
4-bromo-2, 5-dimethoxyamphetamine (some trade or other names: 4-bromo-2, 5-dimethoxy-alpha-methylphenethylamine;
4-bromo-2, 5-DMA);
4-bromo-2, 5-dimethoxyphenethylamine;
8-bromo-alpha-methyl-benzo[1,2-b:4,5-b']difuran-4-ethanamine (Trade or other name: Bromo-DragonFLY);
Bufotenine (some trade and other names: 3-(beta-Dimethylaminoethyl)-5-hydroxyindole; 3-(2-dimethylaminoethyl)- 5-indolol; N, N-dimethylserotonin; 5-hydroxy-N, N-
dimethyltryptamine; mappine); Desoxypipradrol (2-benzhydrylpiperidine); Diethyltryptamine (some trade and other names: N, N-Diethyltryptamine, DET); 2, 5-dimethoxyamphetamine (some trade or other names: 2, 5-dimethoxy-alpha-methylphenethylamine; 2, 5-DMA); 2, 5-dimethoxy-4-ethylamphetamine (trade or other name: DOET); 2, 5-dimethoxy-4-(n)-propylthiophenethylamine (trade or other name: 2C-T-7); Dimethyltryptamine (trade or other name: DMT); Diphenylprolinol (diphenyl(pyrrolidin-2-yl) methanol, D2PM);

Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in a U.S. Food and Drug Administration approved drug product (some trade or other names for Dronabinol: (a6aR-trans)-6a,7,8,10a-tetrahydro- 6,6, 9-trimethyl-3-pentyl-6H- dibenzo [b,d]pyran-1-ol or (-)-delta-9-(trans)- tetrahydrocannabinol);

Ethylamine Analog of Phencyclidine (some trade or other names: N-ethyl-1-phenylcyclohexylamine, (1-phenylcyclohexyl) ethylamine, N-(1-phenylcyclohexyl) ethylamine, cyclohexamine, PCE); 2-ethylamino-2-(3-methoxyphenyl)cyclohexanone (Trade or other name: methoxetamine);

Ibogaine (some trade or other names: 7-Ethyl-6, 6, beta 7, 8, 9, 10, 12, 13-octahydro-2-methoxy-6, 9-methano-5H-
pyrido [1', 2':1, 2] azepino [5, 4-b] indole; tabernanthe iboga);
5-iodo-2-aminoindane (5-IAI);
Mescaline;
5-methoxy-N, N-diisopropyltryptamine (5-MeO-DIPT);
5-methoxy-N, N-diallyltryptamine (5MeO-DALT);
5-methoxy-3, 4-methylenedioxy amphetamine;
4-methoxyamphetamine (some trade or other names:
4-methoxy-alpha-methylphenethylamine; paramethoxyamphetamine;
PMA);
4-methoxymethamphetamine (PMMA);
2-(2-methoxyphenyl)-2-(methylamino)cyclohexanone
(Trade or other names: 2-MeO-ketamine; methoxyketamine);
1-methyl- 4-phenyl-4-propionoxypiperidine (MPPP,
PPMP);
4-methyl-2, 5-dimethoxyamphetamine (some trade
and other names: 4-methyl-2, 5-dimethoxy-alpha-
methylphenethylamine; "DOM"; "STP");
3,4-methylenedioxy methamphetamine (MDMA, MDM);
3,4-methylenedioxy amphetamine;
3,4-methylenedioxy N-ethylamphetamine (Also
known as N-ethyl MDA);
5,6-methylenedioxy-2-aminoindane (MDAI);
Nabilone (Another name for nabilone: (+)-trans-
3-(1,1-dimethylheptyl)- 6,6a, 7,8,10,10a-hexahydro-1-hydroxy- 6,
6-dimethyl-9H-dibenzo[b,d] pyran-9-one;
N-benzylpiperazine (some trade or other names:
BZP; 1-benzylpiperazine;
N-ethyl-3-piperidyl benzilate;
N-hydroxy-3,4-methylenedioxyamphetamine (Also known as N-hydroxy MDA);
4-methylaminorex;
N-methyl-3-piperidyl benzilate;
O-Acetylpsilocin (Trade or other name: 4-Aco-DMT);
Parahexyl (some trade or other names: 3-Hexyl-1-hydroxy-7, 8, 9, 10-tetrahydro-6, 6, 9-trimethyl-6H-dibeno [b, d] pyran; Synhexyl);
1-Phenylcyclohexylamine;
1-Piperidinocyclohexanecarbonitrile (PCC);
Psilocin;
Psilocybin;
Pyrrolidine Analog of Phencyclidine (some trade or other names: 1-(1-phenylcyclohexyl)-pyrrolidine, PCPy, PHP);
Tetrahydrocannabinols, other than marihuana, and synthetic equivalents of the substances contained in the plant, or in the resinous extractives of Cannabis, or synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity such as:

- delta-1 cis or trans tetrahydrocannabinol,
- delta-6 cis or trans tetrahydrocannabinol,
- delta-3, 4 cis or trans
tetrahydrocannabinol, and its optical isomers;

compounds of these structures, regardless of
numerical designation of atomic positions, since nomenclature of
these substances is not internationally standardized;

Thiophene Analog of Phencyclidine (some trade or
other names: 1-[1-(2-thienyl) cyclohexyl] piperidine; 2-Thienyl
Analog of Phencyclidine; TPCP, TCP);

1-pyrrolidine (some trade or other name: TCPy);

1-(3-trifluoromethylphenyl)piperazine (trade or
other name: TFMPP); and

3,4,5-trimethoxy amphetamine;

(2) Phenylacetone (some trade or other names:
Phenyl-2-propanone; P2P, Benzylmethyl ketone, methyl benzyl
ketone);

(3) unless specifically excepted or unless listed in
another Penalty Group, a material, compound, mixture, or
preparation that contains any quantity of the following substances
having a potential for abuse associated with a depressant or
stimulant effect on the central nervous system:

Aminorex (some trade or other names: aminoxaphen;
2-amino-5-phenyl-2-oxazoline; 4,5-dihydro-5-
phenyl-2-oxazolamine);

Amphetamine, its salts, optical isomers, and
salts of optical isomers;

Cathinone (some trade or other names: 2-amino-1-
phenyl-1-propanone, alpha-aminopropiophenone, 2-
aminopropiophenone);
(4) any compound structurally derived from 2-aminopropanal by substitution at the 1-position with any monocyclic or fused-polycyclic ring system, including:

(A) compounds further modified by:

(i) substitution in the ring system to any extent (including alkyl, alkoxy, alkylenedioxy, haloalkyl, hydroxyl, or halide substituents), whether or not further substituted in the ring system by other substituents;
(ii) substitution at the 3-position with an acyclic alkyl substituent; or

(iii) substitution at the 2-amino nitrogen atom with alkyl, dialkyl, benzyl, or methoxybenzyl groups, or inclusion of the 2-amino nitrogen atom in a cyclic structure; and

(B) by example, compounds such as:

4-Methoxymethcathinone (Also known as Methedrone);

4-Methylmethcathinone (Also known as Mephedrone);

3,4-Dimethylmethcathinone (Also known as 3,4-DMMC);

3-Fluoromethcathinone (Also known as 3-FMC);

4-Fluoromethcathinone (Also known as Flephedrone);

3,4-Methylenedioxy-N-methylcathinone (Also known as Methylone);

3,4-Methylenedioxypyrovalerone (Also known as MDPV);

alpha-Pyrrolidinopentiophenone (Also known as alpha-PVP);

Naphthylpyrovalerone (Also known as Naphyrone);

beta-Keto-N-methylbenzodioxolylpropylamine (Also known as Butylone);

beta-Keto-N-methylbenzodioxolylpentanamine (Also known as Pentylole);
beta-Keto-Ethylbenzodioxolylbutanamine
(Also known as Eutylone); and
3,4-methylenedioxy-N-ethylcathinone (Also known as Ethylone).

SECTION 3. Section 481.1031, Health and Safety Code, is amended to read as follows:

Sec. 481.1031. PENALTY GROUP 2-A. Penalty Group 2-A consists of any quantity of a synthetic chemical compound that is a cannabinoid receptor agonist and mimics the pharmacological effect of naturally occurring cannabinoids, including:

- naphthoylindoles structurally derived from 3-(1-naphthoyl)indole with or without [by] substitution at the nitrogen atom of the indole ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, (N-methylpiperidin-2-yl)methyl, cyanoalkyl, (N-methylpyrrolidin-2-yl)methyl, (tetrahydropyran-4-yl)methyl, ((N-methyl)-3-morpholinyl)methyl, or 2-(4-morpholinyl)ethyl, whether or not further substituted in the indole ring to any extent, whether or not substituted in the naphthyl ring to any extent, including:
  - AM-2201;
  - JWH-004;
  - JWH-007;
  - JWH-009;
  - JWH-015;
  - JWH-016;
  - JWH-018;
  - JWH-019;
S.B. No. 199

1      JWH-020;
2      JWH-046;
3      JWH-047;
4      JWH-048;
5      JWH-049;
6      JWH-050;
7      JWH-073;
8      JWH-076;
9      JWH-079;
10     JWH-080;
11     JWH-081;
12     JWH-082;
13     JWH-083;
14     JWH-093;
15     JWH-094;
16     JWH-095;
17     JWH-096;
18     JWH-097;
19     JWH-098;
20     JWH-099;
21     JWH-100;
22     JWH-116;
23     JWH-122;
24     JWH-148;
25     JWH-149;
26     JWH-153;
27     JWH-159;
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JWH-394; JWH-395; JWH-397; JWH-398; JWH-399; JWH-400; JWH-412; JWH-413; and JWH-414; naphthylmethylindones structurally derived from 1H-indol-3-yl-(1-naphthyl)methane with or without [\(\text{by}\)] substitution at the nitrogen atom of the indole ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, (N-methylpiperidin-2-yl)methyl, cyanoalkyl, (N-methylpyrrolidin-2-yl)methyl, (tetrahydropyran-4-yl)methyl, ((N-methyl)-3-morpholinyl)methyl, or 2-(4-morpholinyl)ethyl, whether or not further substituted in the indole ring to any extent, whether or not substituted in the naphthyl ring to any extent, including: JWH-175; JWH-184; JWH-185; JWH-192; JWH-194; JWH-195; JWH-196; JWH-197; and JWH-199;
naphthoylpyrroles structurally derived from 3-(1-naphthoyl)pyrrole with or without [by] substitution at the nitrogen atom of the pyrrole ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, (N-methylpiperidin-2-yl)methyl, cyanoalkyl, (N-methylpyrrolidin-2-yl)methyl, (tetrahydrofuran-4-yl)methyl, ((N-methyl)-3-morpholinyl)methyl, or 2-(4-morpholinyl)ethyl, whether or not further substituted in the pyrrole ring to any extent, whether or not substituted in the naphthyl ring to any extent, including:

- JWH-030;
- JWH-145;
- JWH-146;
- JWH-147;
- JWH-150;
- JWH-156;
- JWH-243;
- JWH-244;
- JWH-245;
- JWH-246;
- JWH-292;
- JWH-293;
- JWH-307;
- JWH-308;
- JWH-309;
- JWH-346;
- JWH-347;
- JWH-348;
JWH-363; JWH-364; JWH-365; JWH-366; JWH-367; JWH-368; JWH-369; JWH-370; JWH-371; JWH-372; JWH-373; and JWH-374; and

naphthylmethylindenes structurally derived from 1-(1-naphthylmethyl)indene with or without [\textsuperscript{6}] substitution at the 3-position of the indene ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, (N-methylpiperidin-2-yl)methyl, cyanoalkyl, (N-methylpyrrolidin-2-yl)methyl, (tetrahydropyran-4-yl)methyl, ((N-methyl)-3-morpholinyl)methyl, or 2-(4-morpholinyl)ethyl, whether or not further substituted in the indene ring to any extent, whether or not substituted in the naphthyl ring to any extent, including:

JWH-171; JWH-172; JWH-173; and JWH-176;

phenylacetyladols structurally derived from 3-phenylacetylandole with or without [\textsuperscript{6}] substitution at the
nitrogen atom of the indole ring with alkyl, \textit{haloalkyl}, alkenyl, cycloalkylmethyl, cycloalkylethyl, \textit{(N-methylpiperidin-2-yl)methyl}, cyanoalkyl, \textit{(N-methylpyrrolidin-2-yl)methyl}, \textit{(tetrahydropyran-4-yl)methyl}, \textit{((N-methyl)-3-morpholinyl)methyl}, or 2-(4-morpholinyl)ethyl, whether or not further substituted in the indole ring to any extent, whether or not substituted in the phenyl ring to any extent, including:

- AM-694;
- AM-1241;
- JWH-167;
- JWH-203;
- JWH-204;
- JWH-205;
- JWH-206;
- JWH-208;
- JWH-237;
- JWH-248;
- JWH-249;
- JWH-250;
- JWH-251;
- JWH-252;
- JWH-253;
- JWH-302;
- JWH-303;
- JWH-305;
- JWH-306;
- JWH-311;
cyclohexylphenols structurally derived from 2-(3-hydroxycyclohexyl)phenol with or without substitution at the 5-position of the phenolic ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, (N-methylpiperidin-2-yl)methyl, cyanoalkyl, (N-methylpyrrolidin-2-yl)methyl, (tetrahydropyran-4-yl)methyl, ((N-methyl)-3-morpholinyl)methyl, or 2-(4-morpholinyl)ethyl, whether or not substituted in the cyclohexyl ring to any extent, including:

- CP-55,940;
- CP-47,497;
- JWH-337;
- JWH-344;
- JWH-345; and
- JWH-405; [and]

benzoylindoles structurally derived from 3-(1-naphthoyl)indole with or without substitution at the nitrogen atom of the indole ring with alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, (N-methylpiperidin-2-yl)methyl, cyanoalkyl, (N-methylpyrrolidin-2-yl)methyl, (tetrahydropyran-4-yl)methyl, ((N-methyl)-3-morpholinyl)methyl, or 2-(4-morpholinyl)ethyl, whether or not further substituted in
the indole ring to any extent, whether or not substituted in the
phenyl ring to any extent, including:

1-pentyl-3-(4-methoxybenzoyl)indole (RCS-4); and
1-[2-(4-morpholinyl)ethyl]-2-methyl-3-(4-
methoxybenzoyl)indole (Pravadoline or WIN 48,098); and
cannabinol derivatives, except where contained in
marihuana, including tetrahydro derivatives of cannabinol and
3-alkyl homologues of cannabinol or of its tetrahydro derivatives,
such as:

Nabilone;
HU-210;
HU-211; and
WIN-55,212-2.

SECTION 4. Section 481.106, Health and Safety Code, is
amended to read as follows:

Sec. 481.106. CLASSIFICATION OF CONTROLLED SUBSTANCE
ANALOGUE. For the purposes of the prosecution of an offense under
this subchapter involving the manufacture, delivery, or possession
of a controlled substance, Penalty Groups 1, 1-A, [and] 2, and 2-A
include a controlled substance analogue that:

(1) has a chemical structure substantially similar to
the chemical structure of a controlled substance listed in the
applicable penalty group; or

(2) is specifically designed to produce an effect
substantially similar to, or greater than, a controlled substance
listed in the applicable penalty group.

SECTION 5. The change in law made by this Act applies only
An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 6. This Act takes effect September 1, 2015.